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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDWIN BALL,
10 Plaintiff, No. C 09-4929 PJH
11 v. ORDER VACATING
12 ASBESTOS DEFENDANTS (B P),
13 Defendants.

15 Defendant Curtiss-Wright Corporation's "state court demurrer," filed in the above-
16 entitled action on November 4, 2009, is hereby STRICKEN. If, as it appears, it was
17 defendant's intent to seek dismissal of the complaint for failure to state a claim, the motion
18 was not filed in accordance with the Federal Rules of Civil Procedure or with this court's
19 Civil Local Rules. The hearing date, noticed for December 9, 2009, is VACATED.

21 | IT IS SO ORDERED.

22 || Dated: November 4, 2009

PJW

PHYLLIS J. HAMILTON
United States District Judge